ACT V OF 1873.

Notification by the Government of India, Foreign Department, Judicial, No. 118, dated Simla, the 22nd June 1873.

His Excellency the Viceroy and Governor-General in Council is pleased to apply the provisions of Act V of 1873 (The Government Savings Banks Act, 1873) to the Province of Mysore.

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ACT V OF 1873.

(RECEIVED THE ASSENT OF THE GOVERNOR-GENERAL ON THE 28TH JANUARY 1873.)

An Act to amend the law relating to Government Savings Banks.

WHEREAS it is expedient to amend the law relating to the payment of deposits in Government Savings Banks; It is hereby enacted as follows:— Preamble.

Preliminary.

1. This Act may be called "The Government Savings Banks Act, 1873":— Short title.

It extends to the whole of British India; Local extent.

And it shall come into force on the passing thereof. Commencement.

2. Act No. XXVI of 1855 (*to facilitate the payment of small deposits in Government Savings Banks to the representatives of deceased depositors*) is hereby repealed. Repeal of Act XXVI of 1855.

3. In this Act— Interpretation clause.

"Depositor" means a person by whom, or on whose behalf, money has been heretofore, or shall be hereafter, deposited in a Government Savings Bank; and "deposit" means money so deposited: "Depositor." "Deposit."

[" Secretary " includes the Officer in immediate charge of a District Treasury or of the State Huzur Treasury; "Secretary."

" Minor " means a person who has not completed the age of eighteen years or, if he is not domiciled in Mysore, has not attained majority according to the law to which he is subject.] "Minor."

Deposits belonging to the Estates of Deceased persons.

†**4.** If a depositor dies and probate of his will or letters of administration of his estate or a certificate granted under the Succession Certificate Act, 1901, is not, within three months of the death of the depositor, produced then— Payment on death of depositor.

[1] (*a*) if the deposit does not exceed one thousand rupees, the Secretary may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased:

[ ] Substituted by Section 1 of Act I of 1930.
† Substituted by Section 2 of Act I of 1930.

Sections 4-A—6.

Provided that if the deposit is in a taluk treasury and does not exceed rupees one hundred, the Amildar of the taluk may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased;

(*b*) if the deposit exceeds rupees one thousand but does not exceed three thousand rupees, the Deputy Commissioner of the District in which the deposit is made, and the Comptroller to the Government when the deposit is made in any Treasury in the Bangalore District, may pay the same to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased.†

Payment to nominees in certain cases.

4-A. Notwithstanding anything contained in Section 4 or in the Indian Succession Act, X of 1865, or the Mysore Succession Certificate Act, VII of 1901, or any other law for the time being in force, if a depositor dies leaving any sum of money in a Government Savings Bank, the Secretary of such Bank may pay the same to the person nominated by the depositor during his lifetime and registered in the office of the Secretary under rules to be made by Government in this behalf; provided that such nomination shall not be allowed in the case of deposits belonging to minors.

Payment to be a discharge.

5. Such payment shall be a full discharge from all further liability in respect of the money so paid:

Saving of right of executor.

But nothing herein contained precludes any executor or administrator, or other representative of the deceased, from recovering from the person receiving the same the amount remaining in his hands after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration.

Saving of right of creditor.

And any creditor or claimant against the estate of the deceased may recover his debt or claim out of the money paid under this Act, or the said Act No. XXVI of 1855, to any person, and remaining in his hands unadministered, in the same manner and to the same extent as if the latter had obtained letters of administration of the estate of the deceased.

Security for due administration.

6. The Secretary of any such Bank, [the Amildar of the Taluk, the Deputy Commissioner of the District, or the Comptroller to the Government, as the case may be,]

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* Inserted by Section 1 of Act II of 1911.

[ ] Inserted by Section 3 of Act I of 1930.

Sections 7—10.

may take such security as he thinks necessary from any person to whom he pays any money under section 4 for the due administration of the money so paid,

and he may assign the said security to any person interested in such administration.

Power to administer oath.

7. For the purpose of ascertaining the right of the person claiming to be entitled as aforesaid, the Secretary of any such Bank, [the Amildar of the Taluk, the Deputy Commissioner of the District, or the Comptroller to the Government, as the case may be,] may take evidence on oath or affirmation according to the law for the time being relating to oaths and affirmations.

Penalty for false statements.

Any person who, upon such oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of an offence under section 193 of the Indian Penal Code.

Deposit when excluded in computing court-fees.

8. Where the amount of the deposit belonging to the estate of a deceased depositor does not exceed † three thousand rupees, such amount shall be excluded in computing the fee chargeable, under the Court-fees Act, 1870, on the probate, or letters of administration, or certificate (if any) granted in respect of his property:

Provided that the person claiming such probate or letters or certificate shall exhibit to the Court authorized to grant the same a certificate of the amount of the deposit in any Government Savings Bank belonging to the estate of the deceased. Such certificate shall be signed by the Secretary of such Bank, ‡the Amildar of the Taluk, the Deputy Commissioner of the District, or the Comptroller to the Government, as the case may be‡ and the Court shall receive it as evidence of the said amount.

Act not to apply to deposits belonging to estates of European soldiers or deserters.

9. Nothing hereinbefore contained applies to money belonging to the estate of any European officer, non-commissioned officer, or soldier dying in Her Majesty's service in India, or of any European who, at the time of his death, was a deserter from the said service.

Deposits belonging to Minors.

Payment of deposits to minor or guardian.

10. Any deposit made by, or on behalf of, any minor, may be paid to him personally, if he made the deposit, or

[ ] Inserted by section 3 of Act I of 1930.
† Substituted by section 4 of Act I of 1930.
‡ Inserted by section 4 of Act I of 1930.

Sections 11—14.

to his guardian for his use, if the deposit was made by any person other than the minor, together with the interest accrued thereon.

The receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge therefor.

Legalization of like payments heretofore made.

11. All payments of deposits heretofore made to minors or their guardians by any Secretary of a Government Savings Bank shall be deemed to have been made in accordance with law.

Deposits belonging to lunatics.

Payment of deposits belonging to lunatics.

12. If any depositor becomes insane or otherwise incapable of managing his affairs,

and if such insanity or incapacity is proved to the satisfaction of the Secretary of the Bank in which his deposit may be,

such Secretary, may from time to time, make payments out of the deposit to any proper person,

and the receipt of such person, for money paid under this section, shall be a sufficient discharge therefor.

Where a committee or manager of the depositor's estate has been duly appointed, nothing in this section authorizes payments to any person other than such committee or manager.

Deposits made by Married Women.

Payment of married women's deposits.

13. Any deposit made by or on behalf of a married woman, or by or on behalf of a woman who afterwards marries, may be paid to her, whether or not the Indian Succession Act, 1865, section 4, applies to her marriage; and her receipt for money paid to her under this section shall be a sufficient discharge therefor.

Rules.

Rules regulating certificates under section 8, and payments under section 10, 12 or 13.

14. All certificates under section 8, and all payments under section 10, section 12 or section 13, shall be respectively granted and made [ ] subject to such rules consistent with this Act as the Governor-General in Council may, from time to time prescribe.

[ ] Certain words were deleted by section 5 of Act I of 1930.